

FILED

FEB 24 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LUIS OMAR ALVAREZ ACUNA,

Plaintiff - Appellant,

v.

MEL CLAYTON FORD; et al.,

Defendants - Appellees.

No. 05-16529

D.C. No. CV-04-02368-MHM

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Arizona
Mary H. Murguia, Distict Judge, Presiding

Submitted February 21, 2006^{**}

Before: SCHROEDER, Chief Judge, GOODWIN and RAWLINSON, Circuit Judges.

Upon review of appellant's response to this court's November 11, 2005
order to show cause, we conclude that this appeal is appropriate for summary

^{*} This disposition is not appropriate for publication and may not be
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

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affirmance. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard). Accordingly, the district court's judgment is affirmed.

All other pending motions are denied as moot.

AFFIRMED